IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Crl.Rev.Pet.No. 801 of 1999()

CRA.200/1996 of ADDL.SESSIONS COURT, THODUPUZHA
CC.326/1993 of JUDL. MAGISTRATE OF FIRST CLASS, PEERUMEDU

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REVN. PETITIONER: APPELLANT/ACCUSED

V.J.PRASAD @ ANI
S/O.CHERIAN JOY
VELAMPARAMBIL HOUSE
PUTHUKKADHAGATH THAMASAM
CHERNAKARA KARA, KUMILY.

BY ADV. SRI.C.J.JOY
SRI.SUNIL CYRIAC

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

STATE OF KERALA
REPRESENTED BY the C.I. OF POLICE
KUMILY POLICE STATION
(CRIME NO.54/93 OF VANDIPERIYAR POLICE STATION)

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.801/99

ORDER ON CRL.M.P.NO.3573/1999 IN CRL.R.P.NO.801/1999

DISMISSED

6.7.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.801 of 1999

Dated this the 6th day of July, 2007

O R D E R

The revision petitioner is the accused in C.C.326/93 in the file of JFCM, Peermade with respect to the offence under Section 392 IPC.

2. The allegation is that on 20.4.1993 at about 5.30 p.m. from the footpath of the road lying near the property of one Varghese Cherampayil at Dymucku, Periyar village, the accused put a Malappuram knife at the neck of the defacto complainant, intimidated her and snatched a gold chain weighing 1½ sovereigns valued at Rs.4,680/-.

3. The evidence adduced in the matter consisted the testimony of PWs' 1 to 13, Exts. P1 to P10 and MO1 to MO4. Both the courts below have concurrently found that the accused is guilty of the offence and sentenced to undergo R.I. for two years and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for three months.

4. The counsel for the revision petitioner has only sought for modification of the sentence seeking for leniency pointing out that the incident has taken place in April, 1993 and that the accused

is not involved in any antisocial activity before or after the incident and that so far he has been facing the criminal proceedings and living under the order of impending imprisonment. He was also rather young at the time of the incident being aged 24 then. He has sought for invoking the Probation of Offenders Act.

5. The Public Prosecutor was directed to get report as to the antecedents of the accused. Public Prosecutor reported that the accused is not involved in any other such incident and that the incident was the solitary crime committed by him. In the circumstances, considering the fact that 14 years have elapsed since the date of the incident, I find that the sentence is to be modified and that the accused is to be released on probation. Hence, the accused/revision petitioner is ordered to be released on probation under the Provision of Offenders Act on condition that he shall execute a bond for Rs.10,000/- before the trial court within two months from today which shall be in force for one year and subject to the supervision of the Probation officer and the conditions imposed by the Probation officer.

The revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl